

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                                   |   |              |
|-----------------------------------|---|--------------|
| WILLIAM RUSSELL BARGER,           | ) | 4:04CV3268   |
|                                   | ) |              |
| Plaintiff,                        | ) |              |
|                                   | ) |              |
| vs.                               | ) | <b>ORDER</b> |
|                                   | ) |              |
| MIKE JOHANNNS, in his capacity as | ) |              |
| Secretary of the United States    | ) |              |
| Department of Agriculture,        | ) |              |
|                                   | ) |              |
| Defendant.                        | ) |              |

IT IS ORDERED that the plaintiff's unopposed motion to alter or amend judgment (filing 52) is granted pursuant to Federal Rule of Civil Procedure 59(e), as follows: The court's judgment (filing 51) is amended to provide that, on remand, both sides shall be permitted to supplement the administrative record with relevant evidence concerning "commensurate share" calculations for crop year 1999.

May 15, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge